

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 11-962 GBW/LFG

\$70,270.00 IN UNITED STATES CURRENCY,

1998 CHEVY CORVETTE
VIN:1G1YY22G0W5130057,

2005 CHEVY CORVETTE
VIN:1G1YY24U355101346,

2004 LINCOLN NAVIGATOR
VIN:5LMFU28RX4LJ11357,

2004 FORD F350 CREW CAB LARIAT
VIN:1FTSW31P64EC34933,

FUNDS IN THE AMOUNT OF \$12,075.47
FROM ACCOUNT NO. **4770
SANDIA LABORATORY FEDERAL CREDIT UNION,

Defendants,

and

ELI SANDOVAL,
MADELINE SANDOVAL,
RONALD LUJAN,
GERALDINE LUJAN,

Claimants.

VERIFIED FIRST AMENDED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

JURISDICTION AND VENUE

1. This is a civil action *in rem* for forfeiture of Defendant Property which have been

located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The "res" or property which is the subject of this action consists of:

- (a). Seventy Thousand Two Hundred Seventy (\$70,270) in U.S. Currency;
- (b). 1998 Chevy Corvette VIN:1G1YY22G0W5130057;
- (c). 2005 Chevy Corvette VIN:1G1YY24U355101346;
- (d). 2004 Lincoln Navigator VIN:5LMFU28RX4LJ11357;
- (e). 2004 Ford F350 Crew Cab Lariat VIN:1FTSW31P64EC34933; and
- (f). funds in the amount of \$12,075.47 from account number ending in **4770 from Sandia Laboratory Federal Credit Union in Albuquerque, New Mexico

(hereafter collectively referred to as "Defendant Property").

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Property:

- (a). Eli Sandoval at 5512 Furman Ave NW, Albuquerque, NM 87114 and/or Torrance County Detention Center ID:297388, 209 E. Alan Ayers Rd, Estancia, NM 87016, whose attorney is Robert Gorence, 1305 Tijeras Ave. NW, Albuquerque, NM 87102;

- (b). Madeline Sandoval at 5512 Furman Ave NW, Albuquerque, NM 87114, whose attorney is Robert Gorence, 1305 Tijeras Ave. NW, Albuquerque, NM 87102;
- (c). Ronald Lujan at P.O. Box 837, Chimayo, NM 87522 and/or 5512 Furman Ave. NW, Albuquerque, NM 87114;
- (d). Geraldine Lujan at P.O. Box 87522, Chimayo, NM 87522 and/or 5512 Furman Ave. NW, Albuquerque, NM 87114.

FACTS

The circumstances from which the claim for forfeiture of Defendant Property arise are:

6. In April 2011, the Federal Bureau of Investigation (FBI) received information that Eli Sandoval was distributing heroin in the Albuquerque area.

7. Starting on April 13, 2011, the FBI conducted at least three controlled purchases of heroin and cocaine from Eli Sandoval.

8. Eli Sandoval used the Defendant Vehicles (the white 1998 Chevy Corvette, the black 2005 Chevy Corvette, the silver 2004 Lincoln Navigator, and the black 2004 Ford F350) to transport illegal controlled substances to places where he sold and distributed the drugs. The illegal drugs consisted of both heroin and cocaine. On at least the following dates Eli Sandoval used the Defendant Vehicles to facilitate sales of illegal controlled substances:

- a). On April 13, 2011, Eli Sandoval used the Defendant 2004 Ford to transport approximately 22.7 grams of cocaine, which he sold for \$420 during a controlled purchase;
- b). On that same day approximately an hour later Eli Sandoval used the

Defendant 1998 Chevy Corvette to transport approximately 28.4 grams of heroin, which he sold for \$750 during a controlled purchase;

- c). On April 15, 2011, Eli Sandoval used the Defendant 2004 Lincoln Navigator to transport approximately 98.5 grams of heroin, which he sold for \$3,000 during a controlled purchase;
- d). On May 2, 2011, Eli Sandoval used the Defendant 2005 Chevy Corvette to transport approximately 106.5 grams of heroin, which he sold for \$3,000 during a controlled purchase.

9. Agents obtained seizure warrants for the black 2004 Ford F350, the white 1998 Chevy Corvette, and the silver 2004 Lincoln Navigator.

10. Agents obtained an arrest warrant for Eli Sandoval and a search warrant for Sandoval's residence at 5512 Furman NW, Albuquerque, NM.

11. On May 19, 2011, the FBI conducted a traffic stop on the black 2005 Chevy Corvette driven by Eli Sandoval. Eli Sandoval was arrested. Agents located heroin on the driver's side floor board. Eli Sandoval advised agents that he had \$60,000 and controlled substances at his residence. The license plate from the white 1998 Corvette had been placed on the black 2005 Corvette. The black 2005 Chevy Corvette was seized by the FBI.

12. Eli Sandoval was interviewed by FBI Agents. He informed agents that there were firearms, multiple types of drugs, and a large amount of currency in a safe at his residence. Eli Sandoval provided agents with the safe combination and stated that some of the firearms may be

stolen as he had purchased them “on the street.” Eli Sandoval stated he knew that he could not legally possess a firearm due to his criminal history.

13. Agents executed the search warrant of Eli Sandoval’s residence at 5512 Furman NW, Albuquerque and found the following:

- a. 7 firearms;
- b. ammunition,
- c. 2 digital scales in the kitchen,
- d. miscellaneous pills,
- e. cocaine, heroin and marijuana,
- f. \$2,360 in the kitchen drawer,
- g. \$67,000 in the safe in the master bedroom closet, and
- h. \$910 in the dresser drawer in the master bedroom.

14. A total of \$70,270.00 in U.S. Currency was seized by the FBI.

15. Agents executed the seizure warrant on the white 1998 Chevy Corvette which was located in a car lot at 3101 4th Street NW. The lot is operated by Sandoval. The seizure warrant was left with the lot manager. The white 1998 Corvette did not have a license plate on it at the time of seizure.

16. Agents executed the seizure warrant on the black 2004 Ford F350 which was located at 2818 Bel Air Avenue NE in Albuquerque. A copy of the warrant was left on the door of the 2818 Bel Air Avenue residence.

17. Agents executed the seizure warrant on the silver 2004 Lincoln Navigator which was located at 5512 Furman Avenue NW in Albuquerque. A copy of the seizure warrant was left with Madeline Sandoval, the spouse of Eli Sandoval.

18. The 1998 Corvette is registered and titled only in the name of Eli Sandoval.
19. The 2005 Corvette is registered and titled only in the name of Eli Sandoval.
20. The 2004 Lincoln Navigator is registered and titled only in the name of Eli Sandoval.
21. The 2004 Ford F350 is registered and titled only in the name of Eli Sandoval.
22. Eli Sandoval has a criminal drug history.
23. Eli and Madeline Sandoval have had an account with Sandia Laboratory Federal Credit Union (hereafter, "SLFCU") ending in **4770 since August 11, 2009.
24. On March 5, 2010, Madeline Sandoval attempted to withdraw \$10,800 in cash from SLFCU. During this transaction, the teller began to collect information from Madeline Sandoval in order to prepare a Currency Transaction Report ("CTR") as required by law for cash transactions exceeding \$10,000. Upon observing the teller's actions, Madeline Sandoval changed the amount she intended to withdraw from \$10,800 to \$9,800 – below the \$10,000 threshold for mandatory reporting. Handwritten on the 3/5/10 withdrawal slip is "changed mind because of CTR." Madeline Sandoval knowingly made a structured cash withdrawal of \$9,800 from the SLFCU account ending in **4770 on March 5, 2010.
25. On May 19, 2011, Eli Sandoval was arrested on an arrest warrant issued on May 18, 2011.
26. Madeline Sandoval knowingly made structured cash deposits totaling \$17,200.00 into the SLFCU account ending in **4770 in three separate transactions over a 16-day period, as follows: May 18, 2011 (\$2,400, consisting of twenty \$50 bills, sixty \$20 bills and forty \$5 bills); May 27, 2011 (\$9,800, consisting of ninety-eight \$100 bills); and June 3, 2011 (\$5,000, cash denominations unknown).

27. Madeline Sandoval structured these cash deposits to evade the filing of a CTR for a cash transaction exceeding \$10,000.

28. On October 12, 2011, the FBI executed a seizure warrant for funds not to exceed \$17,200.00 in the SLFCU account ending in **4770.

29. Upon service of the seizure warrant SLFCU froze approximately \$9,754.77, which was the balance at that time of account **4770.

30. Per the terms of the seizure warrant SLFCU was required to freeze additional incoming funds credited to account **4770, up to the maximum of \$17,200.00 specified in the seizure warrant.

31. On November 17, 2011, the FBI seized \$12,075.47 from SLFCU account **4770.

CLAIM FOR RELIEF

32. Defendant Currency \$70,270 is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because it was furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act.

33. Defendant Vehicles are subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(4) because they were used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of illegal controlled substances.

34. Defendant Vehicles are subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because they were furnished, or intended to be furnished, in exchange for an illegal controlled substance, or constitute proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

35. Defendant Funds \$12,075.47 are subject to arrest and forfeiture to Plaintiff under

31 U.S.C. § 5317 and 18 U.S.C. § 984 because the funds were involved in a violation of 31 U.S.C. § 5324(a)(3), or are property traceable to any such violation or conspiracy to commit such violation.

WHEREFORE: Plaintiff seeks arrest of Defendant Property and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Property, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
United States Attorney



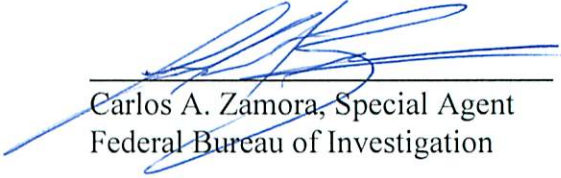
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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Federal Bureau of Investigation who has read the contents of the Amended Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 11/17/11



Carlos A. Zamora, Special Agent
Federal Bureau of Investigation